

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND, PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST;
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY;
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE
FUND, and DISTRICT 37 HEALTH AND
SECURITY FUND,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
corporation; and McKESSON
CORPORATION, a Delaware corporation,

Defendants.

C.A. No. 1:05-CV-11148-PBS

PLAINTIFFS' EMERGENCY MOTION
FOR ENTRY OF CASE MANAGEMENT
ORDER

**PLAINTIFFS' EMERGENCY MOTION FOR ENTRY OF
CASE MANAGEMENT ORDER**

Plaintiffs move for entry of a case management order governing the scheduling of depositions. Plaintiffs move on an emergency basis because McKesson intends to schedule fifteen or more depositions before November 17 and it is crucial that certain protocol regarding the scheduling of depositions be adopted as soon as is feasible.

Attached hereto as Exhibit A is Plaintiffs' proposed Case Management Order.

DATED: November 7, 2006

By /s/ Steve W. Berman

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CERTIFICATE PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for Plaintiffs conferred with counsel for Defendants on the Plaintiffs' motion for entry of a case management order and an agreement could not be reached.

/s/ Nick Styant-Browne
Nick Styant-Browne

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on November 7, 2006.

/s/ Steve W. Berman
Steve W. Berman

EXHIBIT A

UNITED STATES DISTRICT COURT
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FIRST DATABANK, INC., a Missouri
corporation; and McKESSON
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Defendants.

C.A. No. 1:05-CV-11148-PBS

PLAINTIFFS' PROPOSED CASE MANAGEMENT ORDER NO. 1

IT IS HEREBY ORDERED as follows:

1. The parties shall engage in a week-long consultation period prior to the scheduling of any proposed depositions to confer in good faith to schedule such depositions on a mutually convenient date.
2. Exclusive of the one-week consultation period, all parties shall provide at least 14 days notice of any scheduled deposition.
3. Parties shall schedule no more than two depositions per day.
4. The parties are to provide a minimum of five business days notice of any change in the scope of document requests made on parties' witnesses and at least 10 days notice where

the change involves the production of documents, which require deponents to obtain prior permission from third-parties.

IT IS SO ORDERED.

DATED: _____

Hon. Patti B. Saris
United States District Court Judge